

*(d) In this article, "correctional facility" means:*

*(1) any place described by Section 1.07(a)(14), Penal Code; or*

*(2) a "secure correctional facility" or "secure detention facility" as those terms are defined by Section 51.02, Family Code.*

SECTION 3. The change in law made by this Act applies to a motion by the court or request of a magistrate or correctional facility employee made on or after the effective date of this Act, regardless of whether the offense for which the person was arrested or the applicable contact with bodily fluids occurred before, on, or after that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 23, 2015: Yeas 137, Nays 0, 3 present, not voting;  
passed by the Senate on May 26, 2015: Yeas 31, Nays 0.

Approved June 17, 2015.

Effective June 17, 2015.

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**AUTHORIZING CERTAIN REAL PROPERTY TRANSACTIONS  
INVOLVING THE DEPARTMENT OF PUBLIC SAFETY OF  
THE STATE OF TEXAS**

**CHAPTER 737**

H.B. No. 1617

**AN ACT**

**relating to authorizing certain real property transactions involving the Department  
of Public Safety of the State of Texas.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. (a) Subject to Subsections (b) and (c) of this section, the Department of Public Safety of the State of Texas may convey the real property described by Section 2 of this Act to the First United Pentecostal Church, Center, Texas, in exchange for the real property described by Section 3 of this Act conveyed by the First United Pentecostal Church to the Department of Public Safety of the State of Texas.

(b) The real property described by Section 2 of this Act may not be conveyed by the Department of Public Safety of the State of Texas to the First United Pentecostal Church unless the fair market value of the real property described by Section 3 of this Act is equal to or greater than the fair market value of the real property described by Section 2 of this Act. The fair market value of the real property must be established by an independent appraisal obtained by the asset management division of the General Land Office.

(c) In connection with the conveyance of the real property described by Section 2 of this Act, the state shall reserve:

(1) the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act;

(2) the state's right to remove from the real property described by Section 2 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state's right to grant a lease held by the state before a conveyance of the real property described by Section 2 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(d) The Department of Public Safety of the State of Texas and the First United

Pentecostal Church, Center, Texas, shall each reimburse the General Land Office for an amount equal to one-half of the fees and expenses incurred by the General Land Office in connection with each conveyance of real property under this Act.

(e) Sections 31.1571, 31.158, and 31.159, Natural Resources Code, do not apply to the exchange of real property authorized by this Act.

SECTION 2. The real property held by the Department of Public Safety of the State of Texas is land being situated in Shelby County, Texas, and more particularly described as follows:

BEING 3.167 acres of land, more or less, out of the J. AMASON Survey, Abstract No. 10, in Shelby County, Texas, and also being a portion of and the same tract as described in a deed to the State of Texas acting through the State Highway Commission from Dr. J. M. Rogers and wife Cora M. Rogers, dated April 19, 1950, recorded in Volume 292, Page 513, Deed Records of Shelby County, Texas; said 3.167 acres of land, more or less, is more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a junction of the East right of way line of the new location of U. S. Highway 96 and the line between the tract herein conveyed and a tract owned by L. F. Holder. Said junction being N 74 deg. 16 min. E, 61.00 feet from Centerline Station 2481+39 of said U. S. Highway 96;

THENCE N 74 deg. 16 min. E, along said Holder line, 226.60 feet to a point for a corner, said point being the Northwest corner of Mrs. Katheryn Walker's 2 acre tract;

THENCE S 13 deg. 02 min. E, along the West boundary line of Mrs. Katheryn Walker and of the Stalling place 446.00 feet to a point for a corner, said point being the Southwest corner of the Stalling place;

THENCE S 18 deg. 44 min. W, 175.00 feet along fence to a point for corner;

THENCE S 07 deg. 33 min. W, 81.00 feet along fence to a point for a corner on Ewell Samford's North boundary line;

THENCE N 68 deg. 03 min. W, 154.99 feet along said Samford's North line, to a point for a corner on the East right of way line of said U. S. Highway 96, said point being S 68 deg. 03 min. E, 75.00 feet from Centerline Station 2476+18 of said highway;

THENCE N 10 deg. 54 min. W, 571.5 feet along the East right of way line of said Highway to the place of beginning.

Said tract containing 3.167 acres of land.

SECTION 3. The real property held by the First United Pentecostal Church is:

All that certain tract of land situated in Shelby County, Texas, in the JESSE AMASON SURVEY, A-10, being all that land conveyed from B. H. McCoy & wife, Archie Myrl McCoy to First United Pentecostal Church in Center, Texas, Inc. and recorded in Volume 561 Page 745 of the Deed Records of Shelby County, Texas, and being more particularly described as follows.

Note: in the following description

Bearings refer to Grid North of the Texas Coordinate System of 1983

(Central Zone 4203).

BEGINNING at a 5/8" Iron Rod set with cap stamped "FSE ENGINEERING CENTER, TX" from which a Concrete Right-of-Way marker bears S 28° 16' 09" E a distance of 466.04 feet, said 5/8" Iron Rod also being the southwest corner of this property;

THENCE N 14° 21' 20" W with east right-of-way of U.S. Highway 96 a distance of 400.00 feet to a 5/8" Iron Rod set with cap stamped "FSE ENGINEERING CENTER, TX";

THENCE N 71° 36' 30" E with the south line of the SECOND TRACT conveyed to Lowell C. Hufferd and recorded in Volume 948 Page 608 of the Official Public Records of Shelby County, Texas, at 308.20 feet pass a 5/8" Iron Rod set for reference with cap stamped "FSE ENGINEERING CENTER, TX" and at a total distance of 324.18 feet to a point for corner in the centerline of County Road 2205;

THENCE S 19° 29' 22" E with the centerline of County Road 2205 a distance of 300.00 feet to a point for corner from which a 5/8" Iron Rod set for reference with cap stamped "FSE ENGINEERING CENTER, TX" bears S 56° 08' 40" W a distance of 30.29 feet;

THENCE S 56° 08' 40" W with the north line of a called 0.41 acre tract conveyed to Harold Bennet and recorded in Volume 1080 Page 103 of the Official Public Records of Shelby County, Texas, and the north line of a called 3.5108 acre tract conveyed to Thomas Howard and recorded in Volume 800 Page 652 of the Real Property Records of Shelby County, Texas, a distance of 371.53 feet to the Point of Beginning being 2.724 acres more or less.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 16, 2015: Yeas 143, Nays 1, 2 present, not voting;  
passed by the Senate on May 26, 2015: Yeas 31, Nays 0.

Approved June 17, 2015.

Effective June 17, 2015.

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## COMPATIBILITY OF CERTAIN DEFENSE COMMUNITY REGULATIONS AND STRUCTURES WITH MILITARY OPERATIONS

### CHAPTER 738

H.B. No. 1640

#### AN ACT

**relating to the compatibility of certain defense community regulations and structures with military operations.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 397.005, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A defense community that proposes to adopt or amend an ordinance, rule, or plan that would be applicable in a controlled compatible land use area as defined by Section 241.003 and that may impact base operations shall notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. This subsection applies only to a defense community that has not adopted airport zoning regulations under Chapter 241 and that:

(1) is a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides;

(2) is a county with a population of 130,000 or more that is adjacent to a county described by Subdivision (1);

(3) is located in a county described by Subdivision (1) or (2); or

(4) is or includes a municipality that is located in a county with a population of more than 130,000 that borders the Red River.

(d) A defense community described by Subsection (c) may enter into a memorandum of agreement with the military base or defense facility to establish a smaller area in the controlled compatible land use area for which notification under Subsection (c) would be required by the defense community.

(e) After providing notice under Subsection (c), the defense community shall enter into a memorandum of agreement with the military base or defense facility to establish provi-